

**REMARKS**

Claims 1-27 are pending in this application and claims 1-27 stand rejected.

**Claim Rejections Under 35 U.S.C. §112**

Claims 1-27 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, the Examiner asserts that the phrase “continuously and in parallel” added to the claims in our amendment filed on April 19, 2006 is not supported by the specification. The Examiner asserts that “image data is only stored continuously during shutter depression; image data is only recorded continuously when there is image data in the storage medium; and both the storing and recording of image data are only performed continuously and in parallel during shutter depression.”

Independent Claims 1, 7, 13, 19, 22 and 25 have been amended to include the limitation that “wherein after starting the step of recording, the step of storing each piece of image data continuously obtained by the image pickup operation in the storage medium and the step of recording each piece of the image data being stored in the storage medium into the recording medium are performed continuously, in parallel and irrespective of the amount of the image data stored in the

storage medium during the image pickup operation without pausing, interrupting or reducing the rate of recording the image data ". With this amendment it is the opinion of the Examiner that this rejection is overcome. Therefore, withdrawal of the rejection of claims 1-27 under 35 U.S.C. §112, first paragraph, is respectfully requested.

**Claim Rejections Under 35 U.S.C. §102**

Claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Fukushima et al.

The present invention is a image pickup apparatus in which movie images including sound are stored in a storage medium (10) until a predetermined amount of data is reached and then transferring the image data into non-volatile recording medium (11). While the transfer is taking place image data continues to be recorded in the storage medium.

Fukushima et al. describes an image pickup device in which information is temporarily stored and moved after a predetermined amount of information data is stored. The variable RECCNT is used to count the number of images corresponding to image data stored in memory part 6. Further as indicated in column 10, lines 37-43 "it is also possible to perform a stable, continuous-shooting recording operation without causing the buffer memories M0 to M7 of the memory part 6 to overflow and interrupting the continuous-shooting recording operation during the continuous-shooting recording mode."

However, independent claims 1, 7, 13, 19, 22 and 25 have been amended to overcome Fukushima et al. Specifically, the limitation “wherein after starting the step of recording, the step of storing each piece of image data continuously obtained by the image pickup operation in the storage medium and the step of recording each piece of the image data being stored in the storage medium into the non-volatile recording medium are performed continuously, in parallel and irrespective of the amount of the image data stored in the storage medium during the image pickup operation without pausing, interrupting or reducing the rate of recording the image data” has been added to independent claims 1, 7, 13, 19, 22 and 25. This limitation is not taught by the prior art of record. Therefore, withdrawal of rejection of claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 under 35 U.S.C. §102(e) as being anticipated by Fukushima et al. is respectfully requested.

**Claim Rejections Under 35 U.S.C. §103**

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima et al. in view of Anderson et al.

Anderson et al. describes an image data identifier variable, an image data current location data field and a plurality of data cell “pointers” used to locate data cells. Contrary to the Examiner’s assertions, Anderson et al. does not disclose the data length of images being stored. However, this data length may be easily computed from the pointers.

In view of proposed claim amendments to claims 1, 7, 13, 19, 22 and 25. Applicant does not wish to further amended any claims as a result of the teachings of Anderson et al. In other words,

dependent claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 are allowable by virtue of their dependence from allowable independent claims.

Therefore, withdrawal of the rejection of claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 under 35 U.S.C. §103(a) as being unpatentable over Fukushima et al. in view of Anderson et al. is respectfully requested.

### **Conclusion**


In view of the aforementioned amendments and accompanying remarks, Claims 1-27, as amended, are believed to now be in condition for allowance, which action, at an early date, is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for One-Month Extension of Time